

CHAPTER 1107

EDUCATIONAL INSTRUCTIONAL REQUIREMENTS AND FUNDING FLEXIBILITY

S.F. 2310

AN ACT relating to educational instructional requirements and funding flexibility and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS

Section 1. [Section 256.7, subsection 21](#), paragraph a, Code 2020, is amended to read as follows:

a. Requirements that all school districts and accredited nonpublic schools develop, implement, and file with the department a comprehensive school improvement plan that includes, but is not limited to, demonstrated school, parental, and community involvement in assessing educational needs, establishing local education standards and student achievement levels, and, as applicable, the consolidation of federal and state planning, goal-setting, and reporting requirements. Each school district and accredited nonpublic school shall include in its comprehensive school improvement plan a list and description of the online coursework offered by the school district or accredited nonpublic school to which the student is enrolled.

Sec. 2. [Section 256.7, subsection 32](#), paragraph a, Code 2020, is amended to read as follows:

a. Adopt rules for online learning in accordance with [sections 256.42](#) [section 256.11, subsection 17](#), and [section 256.43](#), and criteria for waivers granted pursuant to [section 256.42](#) [256.11, subsection 17](#).

Sec. 3. [Section 256.7, subsection 32](#), Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Rules adopted pursuant to [this subsection](#) shall require that online learning coursework offered by school districts, accredited nonpublic schools, and area education agencies be rigorous, high-quality, aligned with the Iowa core and core content requirements and standards and the national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning, and taught by a teacher licensed under [chapter 272](#) who has specialized training or experience in online learning, including but not limited to an online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework.

Sec. 4. [Section 256.9, subsection 55](#), Code 2020, is amended to read as follows:

~~55. Develop and establish an online learning program model in accordance with rules adopted pursuant to [section 256.7, subsection 32](#), and in accordance with [section 256.43](#). The director shall maintain a list of approved online providers that meet the standards of [section 256.42, subsection 6](#), and provide course content through an online learning platform taught by a teacher licensed under [chapter 272](#) who has specialized training or experience in online learning including but not limited to an online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework, and whose online learning coursework meets the requirements established by rule pursuant to [section 256.7, subsection 32](#), paragraph "c". Providers shall apply for approval annually or as determined by the department.~~

Sec. 5. [Section 256.11](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 17. a.(1) The offer and teach requirements of [subsection 5](#), paragraphs “a” through “e” and “g” through “j”, shall not apply for up to two specified subjects at a school district or accredited nonpublic school if any of the following apply:

(a) The school district or accredited nonpublic school makes every reasonable and good faith effort to employ a teacher licensed under [chapter 272](#) for the specified subject and is unable to employ such a teacher.

(b) Fewer than ten students typically register for instruction in the specified subject at the school district or accredited nonpublic school.

(2) If a school district or accredited nonpublic school meets the requirements of subparagraph (1), subparagraph division (a) or (b), the school district or accredited nonpublic school may exceed the two-subject limitation specified in subparagraph (1), unnumbered paragraph 1, for the purpose of providing world language, personal finance literacy, and computer science coursework online in accordance with paragraph “c”.

b. The department may waive the applicability of [subsection 5](#), paragraphs “a” through “e” and “g” through “j”, for up to two additional specified subject areas for a school district or accredited nonpublic school that proves to the satisfaction of the department that the school district or accredited nonpublic school has made every reasonable effort, but is unable to meet such requirements. A school district or accredited nonpublic school may apply for an annual waiver each year.

c. If the provisions of [subsection 5](#), paragraphs “a” through “e” and “g” through “j”, are made inapplicable under paragraph “a”, or are waived under paragraph “b”, the specified subject shall be provided by an area education agency under [section 273.16](#), or by the school district or accredited nonpublic school if an online alternative satisfying the requirements of subparagraph (1), (2), or (3) can be made available by the school district or accredited nonpublic school. Any course not required under [subsection 5](#) may also be provided by an area education agency under [section 273.16](#) or by the school district or accredited nonpublic school. However, in either case, if offered by the school district or accredited nonpublic school, the specified subject or course shall be offered through any of the following means:

(1) An online learning platform if the course is developed by the school district or accredited nonpublic school itself or is developed by a partnership or consortium of schools that have developed the course individually or cooperatively, provided the course is taught and supervised by a teacher licensed under [chapter 272](#) who has online learning experience and the course content meets the requirements established by rule pursuant to [section 256.7](#), [subsection 32](#), paragraph “c”. A partnership or consortium of schools may include two or more school districts or accredited nonpublic schools, or any combination thereof.

(2) A private provider utilized to provide the course that meets the standards of [this section](#) and is approved in accordance with [section 256.9](#), [subsection 55](#).

(3) An online learning platform offered, subject to the initial availability of federal funds, by the department in collaboration with one or more area education agencies or in partnership with school districts and accredited nonpublic schools. The online learning platform may deliver distance education to students, including students receiving independent private instruction as defined in [section 299A.1](#), [subsection 2](#), paragraph “b”, competent private instruction under [section 299A.2](#), or private instruction by a nonlicensed person under [section 299A.3](#), provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under [chapter 272](#) who has online learning experience and the course content meets the requirements established by rule pursuant to [section 256.7](#), [subsection 32](#), paragraph “c”. The department and the area education agencies operating online learning programs pursuant to [section 273.16](#) shall coordinate to ensure the most effective use of resources and delivery of services. Federal funds, if available, may be used to offset what would otherwise be costs to school districts for participation in the program.

d. For purposes of [this subsection](#), “good faith effort” means the same as defined in [section 279.19A](#), [subsection 9](#).

Sec. 6. [Section 256.43, subsection 2](#), paragraph c, Code 2020, is amended to read as follows:

c. ~~Private providers utilized to provide courses by~~ Courses provided by private providers to a school district or accredited nonpublic school in accordance with [this section](#) shall meet the standards of ~~section 256.42~~ Iowa core and core content requirements and standards, as well as national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning, and be approved in accordance with [section 256.9, subsection 55](#).

Sec. 7. [Section 261E.1, subsection 1](#), paragraph e, Code 2020, is amended to read as follows:

e. Internet-based courses offered for college credit, ~~including but not limited to courses within the Iowa learning online initiative.~~

Sec. 8. NEW SECTION. 273.16 Online learning program.

1. Subject to an appropriation of funds by the general assembly for this purpose, the area education agencies may offer, separately or in collaboration with other area education agencies, or in partnership with school districts and accredited nonpublic schools, to provide an online learning program to deliver distance education to Iowa's secondary students, including students receiving independent private instruction as defined in [section 299A.1, subsection 2](#), paragraph "b", competent private instruction under [section 299A.2](#), or private instruction by a nonlicensed person under [section 299A.3](#).

2. Coursework offered under [this section](#) must meet the requirements established by rule pursuant to [section 256.7, subsection 32](#), paragraph "c".

3. To participate in an online learning program offered by an area education agency, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under [chapter 299A](#) as described in [subsection 1](#). The school district or accredited nonpublic school in which the student is enrolled is responsible for recording a student's program coursework grades in the student's permanent record, awarding high school credit for program coursework, and issuing a high school diploma to a student enrolled in the district or school who participates and completes coursework under the program. Each school that participates in the program shall identify a site coordinator to serve as a student advocate and as a liaison between the program staff and teachers and the school district or accredited nonpublic school. The individual providing instruction to a student under [chapter 299A](#) as described in [subsection 1](#) shall receive the student's score for completed program coursework.

4. School districts and accredited nonpublic schools shall pay to area education agencies the cost of providing coursework under an online learning program offered in accordance with [this section](#).

Sec. 9. [Section 279.10](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. For the school year beginning July 1, 2020, and ending June 30, 2021, any instruction provided in accordance with a return-to-learn plan submitted by a school district or accredited nonpublic school to the department of education in response to a proclamation of a public health disaster emergency, issued by the governor pursuant to [section 29C.6](#) and related to COVID-19, shall be deemed to meet the requirements of [subsection 1](#), regardless of the nature, location, or medium of instruction if the return-to-learn plan contains the minimum number of days or hours as required by [subsection 1](#). Any return-to-learn plan submitted by a school district or accredited nonpublic school must contain provisions for in-person instruction and provide that in-person instruction is the presumed method of instruction.

b. [This subsection](#) is repealed on July 1, 2021.

Sec. 10. REPEAL. [Section 256.42](#), Code 2020, is repealed.

DIVISION II
TEMPORARY FLEXIBILITY FOR USE OF CERTAIN MONEYS BY SCHOOL DISTRICTS
TO PROVIDE ADDITIONAL INSTRUCTIONAL TIME

Sec. 11. PROFESSIONAL DEVELOPMENT MONEYS AND HOURS REQUIREMENTS FOR ADDITIONAL INSTRUCTIONAL TIME FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding [section 257.10, subsection 10](#), and the professional development requirements of [chapter 284](#), for the school year beginning July 1, 2020, and ending June 30, 2021, the moneys calculated and paid to the school district for professional development pursuant to [section 257.10, subsection 10](#), or [section 257.37A, subsection 2](#), to provide thirty-six hours of professional development opportunities held outside of the minimum school day, may instead be used by a school district to provide instructional time to the school calendar in addition to the amount of instructional time required under [section 279.10, subsection 1](#), and the thirty-six-hour professional development requirement of [chapter 284](#) shall be reduced by such number of hours of additional instructional time.

DIVISION III
TEMPORARY FLEXIBILITY FOR CERTAIN EDUCATIONAL INSTRUCTIONAL AND
POLICY REQUIREMENTS

Sec. 12. OPEN ENROLLMENT — EXTENSION OF NOTIFICATION DEADLINE FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding [section 282.18, subsection 2](#), paragraph “a”, for the school year commencing July 1, 2020, a parent or guardian shall have until July 15, 2020, to notify to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent’s or guardian’s child in an online public school in another school district, if the child, another resident of the child’s residence, or a regular caretaker of the child has a significant health condition that increases the risk of COVID-19. The notification shall include the name of the person with the health condition, specify the person’s health condition, include written verification of the health condition from the person’s physician or licensed health care provider and, for persons other than the child, whether the person with the health condition is a resident of the child’s residence or the child’s regular caretaker. [Section 282.18, subsection 3](#), shall not apply to a notification submitted in accordance with this section. Notwithstanding [section 282.18, subsection 2](#), paragraph “b”, the superintendent of the receiving school district is authorized to approve a notification received under this section. Within fourteen days of receipt of such notification, the superintendent shall notify the parent or guardian and the school district of residence that the request has been approved or denied. If the notification has been denied or if further review is required, the superintendent shall provide the parent or guardian with an explanation of the approval process and expected timeline for the review. A decision to deny a request submitted under this section is subject to appeal under [section 290.1](#). The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child. This section is not intended to extend the provisions of [section 282.18, subsection 2](#), paragraph “a”, for enrollment in a physical school district.

Sec. 13. SCHOOL DISTRICT DUTIES RELATING TO COMPETENT PRIVATE INSTRUCTION FOR THE 2020-2021 SCHOOL YEAR. For the school year beginning July 1, 2020, and ending June 30, 2021, upon request of a parent, guardian, or legal or actual custodian, each school district shall provide to children receiving competent private instruction available texts or supplementary materials on the same basis as they are provided to regularly enrolled students when a child is under dual enrollment or in a home school assistance program. This section shall only apply to children who are enrolled in their school district’s home school assistance program by the child’s parent, guardian, or legal or actual custodian.

Sec. 14. SCHOOL DISTRICT CLOSURES DURING THE 2020-2021 SCHOOL YEAR. For the school year beginning July 1, 2020, and ending June 30, 2021, if the governor proclaims a public health disaster pursuant to [section 29C.6](#), the board of directors of a school district

may authorize closure of the school district or any school district attendance center due to an outbreak of COVID-19 in the school district or any school district attendance center. School districts are encouraged to follow guidelines issued by the centers for disease control and prevention of the United States department of health and human services and the Iowa department of public health, and may consult with the local board of health when determining social distancing measures or authorizing a school closure.

Sec. 15. INSTRUCTIONAL TIME PROVISIONS FOR SCHOOL DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS FOR THE 2020-2021 SCHOOL YEAR.

1. Notwithstanding any other provision of law to the contrary, the instructional time requirements of [section 279.10, subsection 1](#), and the minimum school day requirements of [section 256.7, subsection 19](#), shall not be waived any time during the school year beginning July 1, 2020, and ending June 30, 2021, for school closure due to the COVID-19 pandemic unless the school district or the authorities in charge of the accredited nonpublic school, as appropriate, provide compulsory remote learning, including online learning, electronic learning, distance learning, or virtual learning. Unless explicitly authorized in a proclamation of a public health disaster emergency issued by the governor pursuant to [section 29C.6](#) and related to COVID-19, a brick-and-mortar school district or accredited nonpublic school shall not take action to provide instruction primarily through remote-learning opportunities.

2. If the board of directors of a school district or the authorities in charge of an accredited nonpublic school determines any time during the school year beginning July 1, 2020, and ending June 30, 2021, that a remote-learning period is necessary, the school board or the authorities in charge of an accredited nonpublic school, as appropriate, shall ensure that teachers and other necessary school staff are available during the remote-learning period to support students, to participate in professional development opportunities, and to perform other job-related functions during the regular, required contract hours, even if the accessibility to or by the teachers and other necessary school staff is offered remotely.

Sec. 16. TRUANCY REQUIREMENTS FOR THE 2020-2021 SCHOOL YEAR. In addition to the provisions of [chapter 299](#), a child who is enrolled in a school district or accredited nonpublic school but who does not participate in compulsory remote-learning opportunities, including online learning, electronic learning, distance learning, or virtual learning, offered by the school district or accredited nonpublic school of enrollment during a period of school closure implemented any time during the school year beginning July 1, 2020, and ending June 30, 2021, due to the COVID-19 pandemic shall be considered truant. This section is not applicable to a child who was receiving competent private instruction or independent private instruction in accordance with the requirements of [chapter 299A](#) prior to July 1, 2019. Any child who was enrolled in a public school or accredited nonpublic school prior to July 1, 2019, may be subject to the provisions of [chapter 299](#) if the child's parent, guardian, or legal custodian did not, for the school year beginning July 1, 2020, complete and send the report required under [section 299.4](#) to the school district of residence of the child in a timely manner.

Sec. 17. TEACHER ENDORSEMENT WAIVER FOR THE 2020-2021 SCHOOL YEAR. For the school year beginning July 1, 2020, and ending June 30, 2021, notwithstanding any provision to the contrary, if a school district or accredited nonpublic school has made every reasonable and good-faith effort to employ a teacher licensed under [chapter 272](#) who holds an endorsement for a specified grade level or subject area and is unable to employ a teacher with the appropriate endorsement, and the school district or accredited nonpublic school is also unable to develop, or use a private provider to provide, an online course that meets the requirements of [chapter 256](#), the director of the department of education may waive the teacher-endorsement requirements for the specified grade level or subject area for the school district or accredited nonpublic school, and the provisions of [section 256.9, subsection 48](#), and [section 272.15, subsection 4](#), shall not apply.

Sec. 18. MISCELLANEOUS POLICY PROVISIONS FOR SCHOOLS FOR THE 2020-2021 SCHOOL YEAR. The following provisions are applicable for the school year beginning July 1, 2020, and ending June 30, 2021:

1. SOCIAL DISTANCING. In implementing social distancing policies included in a return-to-learn plan, the board of directors of each school district and the authorities in charge of each accredited nonpublic school shall, to the extent possible, provide in-person instruction for core academic subjects.

2. STATEWIDE ASSESSMENTS. The provisions of [section 256.7, subsection 21](#), paragraph “b”, relating to the administration of statewide summative assessment of student progress, and the assessments administered in accordance with [sections 279.60 and 279.68](#), shall not be waived, and such assessments shall be administered to students as required by those sections.

3. CPR CERTIFICATION — EXCEPTION FOR GRADUATION. If a school district or accredited nonpublic school closes on the advice of a local board of health, the department of public health, or because the governor proclaims a public health disaster pursuant to [section 29C.6](#), a student who meets the graduation requirements of [section 256.7, subsection 26](#), paragraph “a”, the requirements of [section 280.9A](#), and the school district’s or accredited nonpublic school’s graduation requirements may graduate without meeting the cardiopulmonary resuscitation certification requirements of [section 256.11, section 6](#), paragraph “c”.

4. NOTIFICATION OF SIGNIFICANT HEALTH CONDITION — COMPULSORY REMOTE LEARNING. If a parent or guardian of a student enrolled in a school district or accredited nonpublic school notifies the school district or accredited nonpublic school in writing that the student, another resident of the student’s residence, or a regular caretaker of the student has a significant health condition that increases the risk of COVID-19, the school district or accredited nonpublic school shall make reasonable accommodations for the student, on a case-by-case basis, to attend school through remote learning. The provision of special education and accommodations for students who have individualized education programs or section 504 plans in compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. §794, and with Tit. II of the Americans with Disabilities Act, 42 U.S.C. §12131–12165, will be determined by each respective individualized education program team or section 504 team. The notification shall include the name of the person with the health condition, specify the person’s health condition, include written verification of the health condition from the person’s physician or licensed health care provider and, for persons other than the student, whether the person with the health condition is a resident of the student’s residence or the student’s regular caretaker. A school district or an accredited nonpublic school may collaborate with an area education agency or another school district or accredited nonpublic school to provide remote learning opportunities to a student who meets the requirements of this section.

5. Notwithstanding [section 256.7, subsection 32](#); [section 256.9, subsection 55](#); [section 256.43](#); or any other provision to the contrary, a school district or accredited nonpublic school may provide instruction primarily through continuous remote-learning opportunities if such instruction is provided in accordance with a return-to-learn plan submitted by the school district or accredited nonpublic school to the department of education in response to a proclamation of a public health disaster emergency explicitly addressing school closures, issued by the governor pursuant to [section 29C.6](#) and related to COVID-19, without regard to whether the accredited nonpublic school or school district is approved to provide instruction primarily through continuous remote-learning opportunities. Instruction provided pursuant to this section shall be provided by teachers licensed pursuant to [chapter 272](#) and shall assure and maintain evidence of alignment of the courses with the Iowa core and core content requirements and standards.

DIVISION IV SCHOOL DISTRICT IMPACT REPORT

Sec. 19. SCHOOL DISTRICT COVID-19 IMPACT REPORT FOR BUDGET YEAR 2019-2020. Each school district shall submit a report to the department of education, in a format and by a date as determined by the department, detailing any reduction in expenditures to the school district resulting from the closure of schools due to the COVID-19 pandemic during the school budget year beginning July 1, 2019, and ending June 30, 2020,

including but not limited to reductions in expenditures for transportation, the number of contract employees which include certified and classified employees laid off by the school district and the number of non-contract employees laid off by the school district, both listed by staff position, and spring or summer programs canceled or otherwise impacted. The department shall prepare and, by November 15, 2020, submit to the general assembly, a report that details for each school district the total net impact of the COVID-19 pandemic on each school district's budget.

DIVISION V
EFFECTIVE DATES AND APPLICABILITY

Sec. 20. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 21. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

Approved June 29, 2020